Pleaders in Munsiffs Courts.

PRESIDENT: Mr. Kallur Narayana Pillai, the next resolution stands in your name.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): I beg to move the following resolution:

"This Council recommends to the Government that all the Second Grade Pleaders who have been practising in the Munsiffs' Courts for a period of five years or more be permitted to plead in the District Courts also."

സർ, മെട്രിക്കുലേഷൻ പരീക്ഷയിലൊ സ്കൂൾ ലീവിംഗ് പരീക്ഷയിലൊ വിജയം സിദ്ധിച്ച ഒരാൾ പ്ലീഡർഷിപ്പു പരീക്ഷയ്ക്കു ചേർന്നു കേയുള്ള മാക്കിൽ ൪൦ ശതമാനം വാങ്ങുന്നപക്ഷം ഡിസ്ട്രിക്ട് കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനുള്ള അവകാശം ഉണ്ടായിരുന്നു. ൪൦ മാർക്സ് കിട്ടാത്തവർക്കു മുൻസിപ്പുകോടതിയിൽ വ്യവഹരിച്ചു ൪ കൊല്ലത്തെ പരിശീലനം സിദ്ധിച്ചിരുന്നാൽ അവർക്കും ഡിസ്ട്രിക്ട കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു സന്നദ്ധകൊടുത്തുവന്നിരുന്നു.

ഈ വ്യവസ്ഥ അവരുടെ ശ്രേയസ്സിനേയും, ഉന്നമനത്തേയും, സഹായിക്കുകയും, തൊഴിൽവിഷയത്തിൽ വേണ്ട പ്രോത്സാഹനം ഉണ്ടായിക്കൊണ്ടിരിക്കയും ചെയ്തു. ഈ വ്യവസ്ഥയെ ഫൻഫ-ാമാണ്ടിടയ്ക്കു ഭേദപ്പെടുത്തി. തന്നിമിത്തം ഒരു സെക്കൻറുഗ്രേഡ് പ്ലീഡർ എത്രതന്നെ നിയമപാണ്ഡിത്യവും സാമർത്ഥ്യവും സിദ്ധിച്ചയാളായിരുന്നാലും അയാളുടെ ആയുഷ്കാലം മുഴുവനും സെക്കൻറുഗ്രേഡ പ്ലീഡരായിട്ടുതന്നെ കഴിച്ചുകൂട്ടേണ്ടിവരുന്നു.

ഈ സെക്കൻറുഗ്രേഡ് പ്ലീഡർമാർ ഏതുതരം കുഴഞ്ഞ കേസുകളേയും, ആദ്യം മുതൽക്കെ ചരടുപിടിച്ചു ഉറക്കുതെറാതേയും, തെറ്റിക്കാതേയും സൂക്ഷിച്ചു വിധി ന്യായംകല്പിക്കത്തക്കവണ്ണം കോടതികളെ സഹായിച്ചു പോരുന്നവരാണ്. മുൻസീപ്പുകോടതികളിലെ വ്യവഹാരസല ഒരുകാലത്തു ൫൦൦ രൂപായായിരുന്നു. മുൻസിഫന്മാക്ക് ൨,൦൦൦ രൂപാ സലയുള്ള കേസുകളിൽ വിധികല്പിക്കുന്നതിനുള്ള അധികാരം കൂടുതലായിട്ടും ഈ സെക്കൻറുഗ്രേഡ പ്ലീഡർമാക്കുതന്നെ ആദ്യവ്യവഹാരം നടത്തുന്നതിനു അവകാശം സിദ്ധിച്ചിട്ടുണ്ട്.

ഇനിയും ഒരുകൊല്ലത്തെ വ്യവഹാരസംഖ്യയെ കണക്കാക്കുന്നതായാൽ ഫ ഫ ൦ ഫ-ലെ ഭരണറിപ്പോർട്ടുകൊണ്ടു എല്ലാകോടതികളിലുമായി ആ കൊല്ലത്തിൽ ന്ന൪,൯൬൫ കേസുകളാണ ഫ്യൽ ചെയ്തിട്ട

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ള്ളത്. ഇവയിൽ ൻസ്വ കേസുകൾ ഒഴികെ സ്വ ർ, ൦ സ്വൻ കേസുകളും മുൻസിഫ് കോടതിയിൽ ഫയൽചെയ്യപ്പെട്ടുള്ളതും സെക്കൻഡ്ഗ്രേഡ് പ്ലീഡർ സ്വ്യവഹാരം നടത്തിയിട്ടുള്ളതുമാകുന്നു.

ഇവയിൽ സ്വ, ൨ ൪ ഫ കേസുകൾ മാത്രമെ ഡിസ്ട്രിക്ട് കോർട്ടിലേക്കു അപ്പീൽവിഷയമായി തീർന്നിട്ടൊള്ളൂ. ആസ്ഥിതിക്കു സ്വ ൦, ൪ സ്വ്യവ കേസുകൾ സെക്കൻഡ്ഗ്രേഡ് വക്കീലന്മാർ നടത്തി അവരുടെ സാമർത്ഥ്യം മൂലം സിദ്ധിച്ചിട്ടുള്ള വിധികളുടെ നയിൽ കക്ഷികൾ സന്തുഷ്ടന്മാരായിരിക്കുന്നു എന്നു വ്യക്തമാണ്.

MR. A. J. JOHN (*Vaikam*): മുൻസിപ്പുകോടതിയിൽ ബി. എൽ. പാസായ വക്കീലന്മാരും കേസു നടത്തിവരുന്നതായി അറിയാമൊ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): നല്ലവണ്ണം അറിയാം.

MR. A. J. JOHN (*Vaikom*): അവരുടെ സംഖ്യ എത്രയുണ്ടെന്നു അറിയാമൊ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): സ്വ ൦ പേരിൽ അധികം കാണുകയില്ല. ഒട്ടുമുക്കതന്നെ കേസും ഇല്ല (ചിരി).

ഇപ്പോഴത്തെ വ്യവസ്ഥയനുസരിച്ചു ൨, ൦ ൦ ൦ സക്കാർരൂപാ സ്വലയുള്ള ഒരു കേസു മുൻസിഫ് കോടതിയിലും അയയ്യ ബ്രിട്ടീഷ്രൂപയായി പോയാൽ ജില്ലാകോടതിയിലുമാണു അന്യായം ഫയൽ ചെയ്യേണ്ടതു്.

MR. A. J. JOHN (*Vaikam*): ജില്ലാക്കോടതിയിൽ പ്രാക്ടീസ്ചെയ്യുന്ന ബി. എൽ. പാസായ വക്കീലന്മാർ മുൻസിഫ് കോർട്ടിൽ കേസുനടത്തുന്നുണ്ടെന്നറിയാമൊ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): അപൂർവം ചിലരെ അറിയാം.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): അവർക്കും കേസ്സില്ലേ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): മുൻസിപ്പ് കോട്ടിൽ, അവർക്കു സെക്കൻഡ്ഗ്രേഡ പ്ലീഡർമാരെ അപേക്ഷിച്ചു വളരെ കുറവായിട്ടാണുള്ളതു.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): കുറച്ചെങ്കിലുമുണ്ടൊ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): കുറച്ചുകാണും. ഒരു സെക്കൻഡ്ഗ്രേഡ്പ്ലീഡർ ൨, ൦ ൦ ൦ സക്കാർരൂപാ സ്വലയു

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[Mr. Kallur Narayana Pillai.]

ള്ള ഒരു കേസു മുൻസിഫ്കോടതിയിൽ കക്ഷിക്കുവേണ്ടി ഹാജരായിവ്യ വഹാരംനടത്തത്തക്കതാണെങ്കിൽ അതേ വാദമുഖങ്ങളോടുകൂടിയ വേ റൊരുകേസു ൨,൦൦൦ ബ്രിട്ടീഷ്രൂപാ സല വന്നപോയതുകൊണ്ടു ആ സെക്കൻറുഗ്രേഡ് പ്ലീഡറിനു വ്യവഹാരം നടത്തുവാൻ അധികാരമില്ലെന്നു കല്പിച്ചിരിക്കുന്നതിൽ അശേഷം യുക്തികാണുന്നില്ല.

ഡിസ്ട്രിക്ട്കോടതിയിൽ ബീ. എൽ. പാസായ വക്കീലന്മാർ വ്യവഹരിക്കുന്നപക്ഷം അവസാനവിധി കല്പിക്കേണ്ടതായ ഹൈക്കോടതിക്കു കൂടുതൽ സൌകര്യം വല്ലതും ഉദ്ദേശിച്ചിട്ടുണ്ടോ എന്നുനോക്കുന്നതായാൽ അതതവും ഇല്ലെന്നതന്നെ കാണുന്നു.

എന്തുകൊണ്ടെന്നാൽ ൫,൦൦൦ രൂപായ്ക്കുമേൽ സലയുള്ള കേസ്സുകളിൽ മുൻസിപ്പന്മാരുടെ വിധിയിന്മേൽ നേരിട്ടുള്ള അപ്പീലധികാരം ഹൈക്കോടതിക്കാണു്. ഡിസ്ട്രിക്ററ് ജഡ്ജിമാക്കു ഈ കേസ്സുകളിന്മേൽ അപ്പീലധികാരമില്ല. അതുകൊണ്ടും സെക്കൻറുഗ്രേഡ് വക്കീലന്മാരുടെ സ്ഥാനം ബി. എൽ. വക്കീലന്മാരിലും താഴെയായി ഹൈക്കോടതി ഗണിച്ചിട്ടില്ലെന്നും വ്യക്തമാകുന്നു.

ഹൈക്കോടതിയിലൊ മറു കോടതിയിലൊ ക്ലാക്കന്മാരായിട്ടും ശിരസ്തദാരന്മാരായിട്ടും ഇരുന്ന ക്ലെറിക്കൽജോലിമാത്രം പരിശീലിച്ചിട്ടുള്ള ബി. എൽ. ബിരുദധാരികളെ പലപ്പോഴും മുൻസിഫന്മാരായി നിയമിച്ചിട്ടുണ്ടു്. ഇപ്പോഴും അപ്രകാരം നിയമിച്ചുവരുന്നുമുണ്ടു്. സെക്കൻറുഗ്രേഡ് വക്കീലന്മാരുടെ വാദമുഖങ്ങളെ കേട്ടു് പരിശീലനം സിദ്ധിച്ചു് യോഗ്യന്മാരായിതീരുന്ന മുൻസിഫന്മാരെ സീനിയാർട്ടിയനുസരിച്ചു ഡിസ്ട്രിക്ട് ജഡ്ജിയായി നിയമിക്കുന്നു. അവരുടെ ആ കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു സെക്കൻറുഗ്രേഡ് പ്ലീഡർമാക്കവകാശമില്ലെന്നു വച്ചിരിക്കുന്നതും യുക്തിഹീനമാണു്.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): സെക്കൻറുഗ്രേഡ് പ്ലീഡർമാരുടെ വാദമുഖങ്ങളെ കേട്ടു പരിചയമുള്ള മുൻസിഫ്മാരെ ജഡ്ജിമാരാക്കുന്നതുപോലെ, സെക്കൻറുഗ്രേഡ് വക്കീലന്മാരേയും ജഡ്ജിയായി നിയമിച്ചാൽ എന്താ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): ആ നയം കൊള്ളാം. അതിലേയ്ക്കു യോഗ്യതയുള്ളവരും സെക്കൻറുഗ്രേഡ്പ്ലീഡർമാരുടെയിടയിൽ ധാരാളം ഉണ്ടു്.

കേവലം സാഹിത്യപരമായ ഇംഗ്ലീഷ്വിദ്യാഭ്യാസത്തിൽ ബി. എ. പരീക്ഷ വിജയം സിദ്ധിച്ചശേഷം നിയമപരിജ്ഞാനം സിദ്ധിച്ചെങ്കിൽ

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മാത്രമേ ഒരു ഡിസ്ട്രിക്ട്കോടതിയിൽ വ്യവഹരിക്കാൻ സാധിക്കയൊള്ളൂ എന്നു വരുന്നതു സാഹസമാണു്. തിരുവിതാംകൂറിൽ ഈ വ്യവസ്ഥയുള്ളതുകൊണ്ടു് എന്റെ സ്നേഹിതന്മാരായ രണ്ടു സെക്കൻറുഗ്രേഡ്വക്കീലന്മാർ (മെസ്സേർസ് കെ. ആർ. പത്മനാഭപിള്ള, എൻ. പത്മനാഭപിള്ള ഇവർ) അയർലണ്ടുവരെ യാത്രചെയ്തു പതിനായിരമോ പതിനയ്യായിരമൊ രൂപാ ചിലവുചെയ്തു ബാരിസ്റ്റർ എന്നുള്ള സ്ഥാനവുമായി തിരുവിതാംകൂറിൽ തിരിച്ചെത്തിയപ്പോൾ ഹൈക്കോർട്ടിൽതന്നെ വ്യവഹരിക്കുന്നതിനുള്ള അവകാശം അവക്കു സിദ്ധിച്ചു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Have not the Inns of Court made a rule that Indians should be Graduates if they should be admitted there?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): മിസ്റ്റർ പത്മനാഭപിള്ള തിരിയെ വരുന്നതുവരെ ഉണ്ടായിരുന്ന. ഇപ്പോൾ എങ്ങിനെയാണു് എന്നിനിക്കറിഞ്ഞുകൂടാ.

സർ, വക്കീൽജോലി ഒരു പ്രത്യേകു തൊഴിലാണു്. ആ തൊഴിലിനു നിയമപരിജ്ഞാനത്തിനും പുറമേ പരിശീലനമാണു് പ്രധാനമായി വേണ്ടതു്. ബി. എൽ. പരീക്ഷാവിജയം ഒന്നുകൊണ്ടുമാത്രം ഒരു വക്കീൽ നല്ല വക്കീലായി പ്രശോഭിക്കയില്ല. അതു പ്രത്യേകസാമർത്ഥ്യത്തെക്രൂടി ആശ്രയിച്ചാണു ഇരിക്കുന്നതു്. സെക്കൻറുഗ്രേഡ് പരീക്ഷാവിജയികളിൽ അതിസമർത്ഥന്മാരായ വക്കീലന്മാർ നിയമവിദഗ്ധന്മാർ ഇന്നുനമ്മുടെ പല കോടതികളിലും വ്യവഹരിക്കുന്നുണ്ടു്. അവരെ തടഞ്ഞുനിർത്താതെ പ്രോത്സാഹിപ്പിക്കേണ്ടതു ഗവർമ്മെൻറിന്റെ കടമയാണു്.

ഇതു്, ആ വക്കീലന്മാരുടെ ഒരു പ്രത്യേകയാവശ്യം മാത്രമല്ല. ബാക്കി ജനങ്ങളുടെ ക്ഷേമത്തെക്രൂടി പര്യാലോചിച്ചു പ്രസ്താവിക്കുന്നതാണു്. കീഴ്കോടതിയിൽ വ്യവഹാരം നടത്തിയ വക്കീലിനുതന്നെ അതിന്മേലുള്ള അപ്പീൽകേസ്സിനു ഡിസ്ട്രിക്ട്കോടതിയിലും വാദിക്കുവാൻ അവകാശം കിട്ടുന്നപക്ഷം, ആ കേസ്സിലെ ന്യായവാദങ്ങളെ വേണ്ടുംവിധം അപ്പീൽകോടതിയെ ധരിപ്പിക്കുന്നതിനും, വിധിന്യായത്തിൽ സംഭവിച്ചുപോയ തെറ്റാണെങ്കിൽ, അതിനെ പരിഹരിക്കത്തക്കവണ്ണം അപ്പീൽകോടതിയിൽ വാദിക്കുന്നതിനും, ആ നിലയിൽ ആ കോടതിയെ സഹായിക്കുന്നതിനും ആ വക്കീലിനാണു കൂടുതൽ പ്രാപ്തിയുള്ളതു്; കക്ഷികൾക്കും അതൊരു രക്ഷാമാർഗ്ഗമായിരിക്കും.

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MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): സെക്കൻറ് ഗ്രേഡ് വക്കീലന്മാരെ ഡിസ്ട്രിക്ട് കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കുന്നപക്ഷം ഡിസ്ട്രിക്ട് കോടതിയുടെ എഫിഷ്യൻസിക്കു ഹാനിയാകയില്ലേ?

MR. KALLUR NARAYANA PILLAI (*Patanamthitta*): ഡിസ്ട്രിക്ട് കോടതിയുടെ എഫിഷ്യൻസി എന്നുപറഞ്ഞതിന്റെ അർത്ഥം മനസ്സിലാകുന്നില്ല.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): എഫിഷ്യൻസി റെവന്യൂപോലെയുള്ള ചില ഡിപ്പാർട്ടുമെൻറിനെമാത്രമേ സംബന്ധിക്കയൊള്ളോ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): എല്ലാഡിപ്പാർട്ടുമെൻറിനേയും ബാധിക്കും.

രണ്ടുതരം പരീക്ഷാവിജയികളും അഭിഭാഷകവൃത്തിയിൽ പ്രവേശിക്കുന്നതായാൽരണ്ടുക്ലാസ്സുകാരും നടത്തേണ്ടതൊഴിൽ ഒന്നുതന്നെയാണ്. വക്കീൽതൊഴിലിലുള്ള സാമർത്ഥ്യം പരീക്ഷായോഗ്യതയെ മാത്രം അനുസരിച്ചു നില്ക്കുന്നില്ല. സാമർത്ഥ്യമുള്ള തൊഴിൽകാരനെ ജീവിതമത്സരത്തിൽ പിന്നോട്ടു നിർത്തുന്നതു ശരിയല്ല.

MR. A. K. PILLAI (*Karunagapalli*): ധാരാളം ജോലിയുള്ള മുൻസിഫ്കോടതിവക്കീലിനു ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കാൻ സൌകര്യം കാണുമോ?

MR. KALLUR NARAYANA PILLAI (*Patanamtitta*): അധികം അസൌകര്യങ്ങളും സൌകര്യം കിട്ടുകയില്ല.

ബി. എൽ. പരീക്ഷാവിജയിയായ വക്കീലന്മാർ ഹൈക്കോടതിയിൽ നിന്നും നിശ്ചയിച്ചിട്ടുള്ള സ്പെഷ്യൽ പരീക്ഷാ പാസ്സാകുന്ന പക്ഷം ഹൈക്കോടതിൽ വ്യവഹരിക്കാവുന്നതാണ്. ആപരീക്ഷയുടെ വിഷയമായ നിയമങ്ങളും നമ്മുടെ രാജ്യത്തെ പ്രത്യേകനിയമങ്ങളാണ്. ആ പരീക്ഷയിൽ ചേർന്നു ജയിച്ചില്ലെങ്കിലും ഡിസ്ട്രിക്ട് കോർട്ടിൽ അഞ്ചുകൊല്ലം പരിശീലനം സിദ്ധിച്ചാൽ അവക്കു ഹൈക്കോടതിൽ സനദു വാങ്ങാവുന്നതാണ്.

അതുപോലെതന്നെ അഞ്ചോ അതിലധികമോ കൊല്ലം മുൻസീഫ് കോടതിയിൽ വ്യവഹാരംനടത്തി പരിശീലനം സിദ്ധിച്ചിട്ടുള്ള സെക്കൻറ് ഗ്രേഡ് പ്ലീഡർമാക്കു ഡിസ്ട്രിക്ട് കോർട്ടിലേക്കുകൂടി സനദുകൊടുക്കുന്നതുകൊണ്ട് യാതൊരു പ്രതിബന്ധവും വരാനില്ല. ഈ

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തത്പത്തെ മദ്രാസ് ഹൈക്കോടതിയും അംഗീകരിച്ചു 1926-ൽ മദ്രാസ് സ്മോൾ കോസ് സെൻറ് ജാഞ്ജ് ഗസറ്റിൽ പരസ്യം ചെയ്തിരിക്കുന്നു.

സെക്കൻറ് ഗ്രേഡ് വക്കീലന്മാരെ ഡിസ്ട്രിക്ട് കോടതിയിൽ വ്യവഹരിക്കുന്നതിനുകൂടി അനുവദിച്ചു കൊടുക്കേണ്ടതാണെന്നും, അതു പൊതുജനങ്ങൾക്കു ഏറ്റവും രക്ഷാമാർഗ്ഗമായിട്ടുള്ളതാണെന്നും, 1101 ൽകൂടിയ ശ്രീമൂലം പ്രജാസഭയിലെ എല്ലാജനപ്രതിനിധികളായ സാമാജികന്മാരും ഒപ്പിട്ടു ഗവണ്മെൻറ് സമക്ഷം മെമ്മോറിയൽ സമർപ്പിച്ചിട്ടുണ്ട്.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): How does it add to the public good? Does he suggest that there are not sufficient capable B. L. vakils?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): ഏന്നു അഭിപ്രായമില്ല. മുൻസിഫ് കോടതിയിൽ കേസ്സുനടത്തിയ ആ വക്കീൽതന്നെ ജില്ലാകോടതിയിൽ ആ ഭാഗം വാദിക്കുന്നതു ഏറ്റവും നന്നായിരിക്കും.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*). ആ ഭാഗം ആ വക്കീൽതന്നെ ഹൈക്കോടതിയിലും വാദിച്ചാൽ നന്നായിരിക്കയില്ലേ?

MR. KALLUR NARAYANA PILLAI (*Patanamtitta*): നന്നായിരിക്കും. അതിനും ശേഷിയുള്ളവർ ഉണ്ട്.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Does he say that these vakils should be given permission to conduct such appeal cases alone and not any original case?

MR. KALLUR NARAYANA PILLAI (*Patanamtitta*): ഒറിജിനൽ കേസുണ്ടാകാമല്ലോ. ൫,൦൦൦ സക്കാർതുപോലുള്ളവരെ വാദിക്കാൻ ആ വക്കീലിനുതന്നെ അധികാരം നൽകീട്ടുണ്ട്.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): My question is how will it add to the public good, if some Munsiff's Court vakils are allowed to conduct cases both in the District and in the Munsiff's Courts.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): അതിനെ സംബന്ധിച്ചു പറയാം. നെല്ലൂർകാരൻ ഒരാൾ ബി. എൽ. പാസ്സായി ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കാൻ സന്നതു വാങ്ങിക്കുന്നു. ജന്മികുടിയാൻ റഫലേഷനോ, സ്റ്റാമ്പ് ആക്ടോ, സിവിൽ പ്രൊസീഡ്യൂർകോടോ ഒന്നും അയാൾക്കറിഞ്ഞുകൂടാ. അങ്ങിനെയുള്ള ഒരു വക്കീലിനു ഒരുകേസുകൊണ്ടുകൊടുത്താൽ ആ കക്ഷിയുടെ നില എന്തായിരിക്കുമെന്നു നല്ലവണ്ണം ആലോചിക്കണം.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): That is not an answer to my question. My question is whether there are not sufficient number of capable B. L. vakils.

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MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : ഏകദേശം പത്തോ നാല്പതോ വക്കീലന്മാരുടെയിടയിൽ രണ്ടോ നാലോ കണ്ടേയ്ക്കും.

MR. K. I. JOSEPH (*Minachil cum Devicolam*) : Does he say that the present number of B. L. Vakils is not sufficient?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): ഫസ്റ്റ് ഗ്രേഡ് വക്കീലന്മാർ ജില്ലാക്കോടതിയിൽ മാത്രമേ പോകാവു എന്നൊരു വ്യവസ്ഥ നല്ലതല്ലേ?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : അതു വളരെ നല്ലതാണ്. അങ്ങിനെയുള്ള വ്യവസ്ഥയുണ്ടായിരുന്നകാലത്തു സദിർകോഡുജഡ്ജിമെൻറുകൾ വായിച്ചാൽ ഭംഗിയായിട്ടു മനസ്സിലാകും.

MR. M. SIVATANU PILLAI (*Tovala*). Has he any objection to the Second Grade Pleaders in South Travancore going to North Travancore?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : യാതൊരു ആക്ഷേപവുമില്ല (ചിരി).

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). The member said that representations were made at the Popular Assembly. May I know in which session?

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : In 1101. അതുപോലെതന്നെ സെക്കൻറുഗ്രേഡ്പ്ലീഡർമാരുടെ അഖിലതിരുവിതാംകൂർബാർ അസ്സോസിയേഷനിൽനിന്നും പാസ്സാക്കീട്ടുള്ള നിശ്ചയങ്ങളേയും ഹൈക്കോടതിയിൽ സമർപ്പിച്ചിട്ടുണ്ട്. അതുകൊണ്ടു പൊതുജനങ്ങളുടെ താല്പര്യവും, സെക്കൻറുഗ്രേഡുപ്ലീഡർമാരുടെ അപേക്ഷയും എൻെറ പ്രമേയത്തെ അനുകൂലിക്കുന്നു എന്നു വ്യക്തമാകുന്നതാണ്.

ഇനിയും, ഈ സെക്കൻറുഗ്രേഡ്പ്ലീഡർമാക്കു ഈ പ്രമേയമനുസരിച്ചു ഒരവകാശം സിദ്ധിച്ചുപോയാൽ അവരെല്ലാം ഡിസ്ട്രിക്ട്കോർട്ടിലേയ്ക്കു പൊയ്പോകുമോ എന്നും, മുൻസിഫ്കോർട്ട് ബാറിൽ വക്കീലന്മാർ ഇല്ലാതെതീർന്നുപോയേക്കുമോ എന്നും സംശയിക്കുവാനില്ല. തിരുവിതാംകൂറിലെ വ്യവഹാരകക്ഷികൾ കാര്യബോധമില്ലാത്തവരല്ല. യോഗ്യതാനുസരണം വക്കീലന്മാരെ നിശ്ചയിക്കുന്നതിനും അവർക്കു പ്രാപ്തിയുണ്ട്. ഡിസ്ട്രിക്ട്കോർട്ടിൽ കേസുനടത്തുന്നതിനു പ്രാപ്തിയുണ്ടെന്നു കാണുന്ന സെക്കൻറുഗ്രേഡ് വക്കീൽ മുൻസിഫ്കോടതിയിലെ പ്രധാനവക്കീലായിരിക്കാനേ തരമൊള്ളൂ. ഒരു കോടതിയിലെ ലീഡർ മറ്റൊരു കോടതിയിലേക്കു തൻെറ പ്രാക്ടീസിനെ സ്ഥിരമായി മാറ്റാൻ ശ്രമിക്കയില്ല. ചില പ്രത്യേക കേസ്സുകൾക്കോ ചില സന്ദർഭങ്ങളിലൊ ഡിസ്ട്രിക്ട്കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനുണ്ടാകുന്ന ആവശ്യത്തെ തടയുന്നതു യുക്തമല്ലെന്നാണ് എൻെറ അഭിപ്രായം.

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അതുകൊണ്ട് അഞ്ചോ അതിലധികമോ കൊല്ലം മൻസിഫ്കോടതിയിൽ വ്യവഹാരം നടത്തി പരിശീലനം സിദ്ധിച്ച സെക്കൻഗ്രേഡ് വക്കീലന്മാർക്ക് അവരുടെ അപേക്ഷാനുസരണം ഡിസ്ട്രിക്ട കോർട്ടിലേക്കുകൂടി സന്നദ കൊടുക്കുന്നത യുക്തമായിരിക്കുമെന്നുള്ള എന്റെ ഈ അഭിപ്രായത്തോട് എന്റെ മാന്യസ്നേഹിതന്മാർ പൂർണ്ണമായി യോജിക്കുമെന്ന ഞാൻ വിശ്വസിക്കുന്നു.

MR. M. N. PILLAI (*Trivandrum*) : I second the resolution.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to oppose the resolution. The subject-matter of the resolution may be considered from two different points of view, one from the point of view of that small community of Munsiff's Court Vakils who aspire to a higher scope of employment.

MR. M. SIVATANU PILLAI (*Tovala*) : Is it a small community ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, and the other from the point of view of a very considerably larger community, the general body of people whose interest and cause the Vakil is expected to serve. The second view point, *viz.*, the view point of the general public is certainly a more important one and I take it that that is the only essential point from which this House has to view the resolution. That the profession of vakils is a very important one does not require any argument from me. It is considered to be an essential part of the machinery of the administration of justice. Apart from their duties to the Court, their duty is onerous and responsible also from the view of the general public. The life and property of a member of the public are very often entrusted to these vakils who have to look after their interests and place them before the courts. From this one simple fact, it can be judged how onerous and responsible their position is, apart from the other fact, namely, that they are assisting the courts of law in coming to correct conclusions in regard to cases that are placed before them for decision. If this is borne in mind, we can readily see what particular aptitude and what particular character and equipment are required in the case of men who are to be appointed Vakils. In fact, vakils and lawyers must be men of culture, and men of character. They must be particularly men disciplined to focus their thoughts on the specific matters placed before them, and they must also have cultivated an analytical aptitude of mind, so that they may be able to separate the essential from the non-essential, sift the grain from the chaff and place the whole matter in a concise way to enable the court to come to a decision speedily and correctly. I need not dilate on this point, because everybody knows that in every country admission to the profession of vakils, is controlled by law. Only men of special qualifications are admitted to this profession. It is not like the profession of say a merchant or any such other profession. It is one of the learned professions, and admission to it is, for obvious reasons, restricted to the specially qualified men and it has been controlled by the

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legislature everywhere by the enactment of laws. In Travancore there probably was no restriction, at any rate, no legislative restriction, originally in regard to the class of men that may be admitted to the profession. But, in 1040, a Regulation was passed to limit the profession of vakils to those who possess certain qualifications. It was amended in 1067 and, finally, in 1079 a law which now is in the Statute Book was passed, under which the High Court is given power to make rules for the qualification of the people who are desirous to get into the profession. Having regard to the general qualifications necessary for a vakil namely, culture, character and training of mind it is only the very best material that should be recruited into this body. But when a restrictive law is newly enacted in the country, it cannot be expected that there will be a large number of people who will be able to satisfy the qualifications required. Consequently in Travancore, three classes of vakils have come into existence. Although probably in other countries, say, in England, such distinction does not exist, this distinction has come into existence here owing to the paucity of the material that may be required to fill up this body of vakils. The three classes of vakils that have come into existence are (1) the High Court Vakils who possess the highest qualifications (2) the District Court Vakils or the First Grade Pleaders who possess qualifications next in order, and (3) the Second Grade Pleaders.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Academical or any other qualifications?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Culture, character, training in law and mental aptitude.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): What is the additional equipment which a High Court Vakil has acquired over that of a District Court Vakil?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have got Superior training in law.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is it not by experience that the High Court Vakil has acquired more equipment than the District Court Vakil?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, the District Court Vakil need not have taken a degree in law.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is he aware that there are District Court Vakils who have passed law examinations?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does he make any distinction between them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I was going to say that the rules require that the First Grade Pleaders' examination is the qualification required for the District Court Vakil, and that it is not essential that he should be a law graduate.

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MR. K. SIVARAMA PANIKKAR (*Shertallai*) : So, what he says applies only to the First Grade Pleaders.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is one aspect.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : Is not the examination the same for both the First Grade and Second Grade?

MR. KAYALAM PARAMEVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, but there is a difference in the qualification acquired.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Under what category do the criminal court practitioners come?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : They form another set altogether. Those who now seek to become criminal vakils have to come under the third class I referred to. Formerly, owing to the paucity of strictly qualified vakils, a Magisterial Test was instituted and those who passed that examination were admitted as criminal vakils. When there was no further necessity for the test, it was subsequently abolished. As I said, three classes of vakils are now in existence and their qualifications are different. For the High Court Vakil, a degree in Arts and in Law are necessary; for the District Court Vakil, a University degree is not absolutely necessary. He need not be a law graduate. It would be enough if he passes the First Grade examination. In regard to the Second Grade also, he need not have passed any University examination. Even the School Final men can become qualified for it if they pass the Pleaders' Test.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : I ഗ്രേഡ് വക്കീലന്മാർക്കു യൂനിവേർസിറ്റി പരീക്ഷയോഗ്യതയുണ്ടായിരിക്കണമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He must be a B. A. at least.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : സ്കൂൾഫൈനൽ പാസ്സായാൽ പോരേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, not at present. Under the present rules, he must be a B. A. In British India, also it will be seen that the rules at present require that a Vakil of the District Court ought to be a graduate. The obvious reason is that the District Court is a very important court in the system of judiciary in Travancore. It is the highest court of original civil and criminal jurisdictions in the land. There is no other court above that so far as original jurisdiction is concerned.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Cannot the Munsiff's Court Vakil be appointed as a recognised agent to conduct any case?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He can be appointed, provided I believe the party is absent from Travancore.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Supposing this to be the case, cannot a recognised agent conduct the case of a party?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, in the same way as a party can conduct his own case. But that is no analogy.

The District Court has various other jurisdiction also such as, the insolvency jurisdiction, the jurisdiction under the Guardian and Wards Regulation and various other important functions.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): ഇപ്പോഴത്തെ പബ്ലിക്ക് സർവ്വീസ് നോട്ടിഫിക്കേഷൻ അനുസരിച്ച് പ്ലീഡർഷിപ്പ് ജയിച്ചവർ മുൻസിഫ് ജോലിക്ക് യോഗ്യന്മാരാണെന്നറിയാമോ ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably he is. I will take the assurance of the member. The preliminary qualification at present prescribed for a District Court vakil is that he should be a graduate. This preliminary equipment before the legal training is absolutely necessary having regard to the District court, where the most important cases, civil and criminal, are tried. The question then before the House is whether, for conducting cases in the District court, we should admit people who have not had a preliminary University training, the School Final and Matriculate men simply because they have passed the Pleadership examination and they want to go and plead in the Distrct Court. Mr. Kallur Narayana Pillai referred to the existence of eminent vakils in this class of pleaders and I can agree with him in saying that there may be eminent vakils among the Second Grade pleaders. But they are the exception and not the rule. And the resolution is not meant for the exception. The question for the House to consider is whether these Matriculates and other non-graduates who have had only a little training in law are fit to plead before the District Courts and whether an indispensable qualification is a preliminary University degree besides a high legal examination. Mr. Narayana Pillai pointed out that there was a time when the Matriculates who have passed the Second Grade Pleadership examination were allowed to become District Court Vakils after 5 years' practice in the Munsiff's Court. If this was his exact statement, it was not quite accurate. Such a pleader must appear for the First Grade examination, and pass it before he could be enrolled as a District Court Vakil. Even that has been given up long ago. And why? Because we are going to improve the class of men that are to be admitted to plead in the District Court.

As I said before, we want the *best* materials for recruitment into the body of vakils. Having regard to the paucity of men available at the outset, various classes of people who did not come up to the standard were admitted and men who passed only the First Grade test were allowed to practise in the District Court. But the circumstances long ago changed and the question is whether it is right or necessary to go back to the old rule that undergraduates who have passed the Second Grade Pleadership examination and have had 5 years' practice in the Munsiff's Court should be allowed to be Vakils of the District Court.

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This system was done away with, I believe, in 1911 and fifteen years have now passed. The obvious reason for doing away with the rule is that there is no necessity for admitting a class of that sort into the District Court Bar.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : യൂണിവേർസിറ്റി ഡിഗ്രി ഇല്ലാത്തവർ ഇപ്പോൾ ജില്ലാക്കോടതി വക്കീലന്മാരായിട്ടിരിക്കുന്നുണ്ടോ ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The vakils admitted under the old rule are there because vested rights cannot be taken away.

My point is that we must get the best men for admission into the class of vakils. So long as the material was not forthcoming in sufficient numbers, we allowed Matriculates of 5 years' practice to be enrolled as First Grade pleaders, if they passed the First Grade examination. But when we found sufficient numbers of the right type coming forward, that rule was done away with.

MR. M. SIVATANU PILLAI (*Tovala*): Inasmuch as the member considers the paucity or otherwise of the persons competent to practise, may I know what is his opinion if the supply is more than the demand?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That does not arise in this resolution.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Can a member ask for an expression of opinion from another member ?

MR. M. SIVATANU PILLAI (*Tovala*) : What is his opinion if the supply is more than the demand ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Where ?

MR. M. SIVATANU PILLAI (*Tovala*) : In the District Court.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : They will also practise in the Courts.

MR. M. SIVATANU PILLAI (*Tovala*) : Why not try the experiment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I may point out to the House that, in British India, the proposal was seriously considered why the First Grade Pleadership examination should not be abolished because we are now having plenty of law graduates.

MR. M. SIVATANU PILLAI (*Tovala*) : Will this not take the form of a keen struggle between the two sets ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May be.

More than fifteen years ago, it was found that there was no necessity for admitting the School Final and Matriculation men as pleaders in the District Courts. All these years have now passed. No complaints have been heard from the general public because of their non admission and no inconvenience has been felt. And the reason is

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not far to seek. I may tell the House that there are now 711 graduate vakils in Travancore. Of these, about 600 are practising in the District Courts. 238 law graduates have been enrolled as High Court Vakils and there remain 473 law graduates who are District Court Vakils and no more.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): How many are practising in the Munsiffs' Courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): 971 non-graduate vakils in all. That is the figure up to the 31st Karkatakam 1102. Under the existing circumstances, the question is whether there is any necessity to take any retrograde step. That is the question for the House to consider. Pray consider whether the School Final men are not very poor stuff compared with the graduates.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): കഴിഞ്ഞ പതിനഞ്ചു കൊല്ലത്തിനിപ്പുറമായിട്ട് ജൂഡിഷ്യൽഡിപ്പാർട്ടുമെൻറിലെക്കുഫിഫ്യൻസി വളരെ ദുരാശമായ നിലയിലാണെന്നറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not aware of that. The School Final people are very poor stuff compared with the graduates and they have been found to be so poor that the Principal of the Law College a year or two ago recommended to the High Court that the Pleadership class should be abolished because the School Final men are not fit to be trained for the law examination or if the Pleadership class should be continued the minimum qualification for admission should be raised to the F. A. or the Intermediate examination.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): മൻസിഫ്മാരായിരുന്ന പ്രമോഷൻ കിട്ടീട്ടുള്ള ജഡ്ജിമാരോടു II ഗ്രേഡ് പ്ലീഡർമാരുടെ യോഗ്യതകളെപ്പറ്റി അന്വേഷിച്ചു അഭിപ്രായം അറിഞ്ഞിട്ടുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not after this resolution was tabled.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): വല്ല കാലത്തും അന്വേഷിച്ചിട്ടുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not quite sure. But the High Court Judges have expressed their opinion.

I know that there may be exceptions. There are people who have been and are eminent, but that does not affect the general class and this resolution is as regards the general class.

MR. M. SIVATANU PILLAI (*Tovala*): Is the member prepared to make such exceptions in the case of those people who are really eminent?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not now concerned with such exceptions. This is a general resolution.

MR. M. SIVATANU PILLAI (*Tovala*): Will he be prepared to consider an amendment covering this question?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If that is given a concrete shape, I am prepared to consider it

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What was the opinion of the High Court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The High Court was of the same view as I gave expression to.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What does the member mean when he says that there are very many exceptions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I mean there may be men of that character and equipment.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Does not the resolution say that the Second Grade Pleaders after a period of five years should be made District Court Vakils?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. M. SIVATANU PILLAI (*Tovala*): May I know when a person acquires character and training?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is so plain that I do not propose to explain it.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Am I to understand from the Law member that character and equipment can be achieved only after a University degree?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); I did not say it. Nor does it follow from what I said. But to a considerable degree a university training is a test. I do not of course say that character and equipment can be achieved *only* by a University degree.

As I was saying before, the Principal of the Law College wanted to abolish the Pleadership class or to enhance the preliminary equipment of the students. That matter was not then pressed, having regard to some complaint that a large body of these people can find some employment as Munsiffs' Court Vakils. In British India, Second Grade Pleadership was abolished fifteen years ago and the question of the abolition of the First Grade Pleadership is seriously being considered.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): ഇപ്പോൾ ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ സെകണ്ട് ഗ്രഡ് പ്ലീഡർമാർ ഇല്ലെന്നറിയാമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There are only those people who were enrolled formerly.

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MR. M. SIVATANU PILLAI (*Tovala*): May I enquire of the Law Member whether he is not aware that in British India they consider very seriously the question of abolishing the Law College itself?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, I am not aware.

MR. M. SIVATANU PILLAI (*Tovala*): May I ask whether in British India there was any objection from the public to the abolition of the First Grade Pleadership class?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not that I am aware.

That question is being considered even though the preliminary qualification fixed for admission to the First Grade Pleadership examination is the B. A. degree. In spite of that, they are trying to abolish the Pleadership examination. The question for us to consider now is whether there is any necessity for our going back upon a step already taken. Fifteen years have passed since the passing of the new rule according to which undergraduates were debarred admission to the First Grade Pleadership and no complaint has been heard. It was only in 1101, as Mr. Narayana Pillai stated, that a representation was made in the Sri Mulam Popular Assembly. The Second Grade Vakils also held a conference very recently and they then thought that they must be admitted into the District Court Bar. That matter was referred to the High Court. They considered it and decided that it was neither expedient nor advisable to admit the Second Grade Vakils into the District Court.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the High Court sent up a report to Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. They have sent up a report to the Government.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know the grounds on which the decision of the High Court was made?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have not mentioned any reasons. They have stated that they considered the matter and they have not stated any reasons.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Did they not give any reasons?

MR. KAYALAM PARAMESVARAN PILLAI (*Additionaal Head Sirkar Vakil*): In the report, they have not mentioned any reasons.

Coming to Mr. Narayana Pillai's resolution. The rule in 1911 was that the Second Grade Pleaders after five years' practice may appear for and pass the First Grade examination and then become vakils of the District Court. According to Mr. Narayana Pillai's resolution, the Second Grade Pleaders by a mere lapse of five years are to become District Court Vakils. That is a proposition which cannot in any event be accepted by this House.

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MR. M. SIVATANU PILLAI (*Tovala*): Is there not any rule to the effect that vakils practising in the District Courts, become competent to practise in the High Court after five years?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no analogy between the two. The analogy only is to the period. The question before the House refers to the preliminary equipment of the vakil.

MR. K. MADHAVAN PLLAI (*Trivandrum cum Neduvangad*): May I know what is the difference in the curricula of the legal studies between the Pleadership examination and the B. L. Degree examination?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The B. L's have got a higher training because they study the principles of law and jurisprudence and study law in a scientific way. The Pleadership students do not get that.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether Roman law is of much use in every day practice?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably it is not of much direct use, but the students are studying the science of law and the study of Roman law has great legal and cultural value.

So then, if you admit these non-graduates, you will not be doing any service to the country; on the contrary, you will only be doing an irreparable injury to the country.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): ബി. എൽ. പാസ്സായ വക്കീലന്മാർ മുൻസിപ്പുകോടതിവക്കീലന്മാരോട് കൂടിയിരുന്ന കേസ് പരിശീലിച്ചു വരുന്നതായി അറിയാമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There may be and I am prepared to accept his statement. But that does not affect my arguments and I may go further and say I believe that in course of time we will have to abolish the Second Grade Pleadership altogether.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): സെക്കൻറ് ഗ്രേഡ് വക്കീലന്മാരോട് കൂടി ജയിൻറായിട്ട് ബി. എൽ. പാസ്സായ വക്കീലന്മാർ ഇരുന്ന കേസുനടത്തുന്നുണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to accept the assurance of the member. But that does not affect the question in issue. I may finally say also that this is a matter entirely left to the High Court and that the Vakils Regulation lays down that the Maha Rani Regent can only approve the rules forwarded by the High Court. The Government have no legal power of initiative. The most that can be done by Government is to convey the purport of the debate in this House for the consideration of the High Court.

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MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): കൗൺസിലി ലെ അഭിപ്രായം ഹൈക്കോടതിയിലേക്കെഴുതി അയക്കാമൊ ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakl*): Yes, certainly, if it is so desired.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): It was not my intention to intervene in this debate at first but after hearing the learned Law Member who seems to consider very highly of University degrees and who was saying that unless one obtains University degrees one cannot separate the essentials from the non-essentials and place the essentials before the court in a precise way and that culture and character to some extent could be acquired only by University degrees, I think I must submit a word or two. I entirely disagree with the learned Law Member. In the words of Col. Ingersoll:

> "Universities are places where diamonds are dimmed and pebbles are polished. Had Shakespeare been in any University, he would have been a squibbling attorney or a hypocritical person."

I therefore wish to state that the very great importance which the learned Law Member attaches to the University degrees does not hold water. Character and culture can be achieved without any University degrees at all. University degrees may perhaps help to promote character or culture which you may have, but to separate essentials from the non-essentials which my friend said was necessary in the case of vakils, it is not necessary to have a University education. All that a person requires is common sense, pure and simple. I therefore submit, Sir, that the very great importance which the Law Member has been giving to the Universities need not be attached to it. I therefore support the resolution.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether according to the member any qualification is necessary at all for the vakils?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): He should have technical qualifications.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Would not the member leave that also to common sense?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): In supporting the motion for the uplift of the Second Grade Vakils, I am not convinced of the position taken by the Law Member that the prestige of the District Courts can be sufficiently kept only by the Graduate Vakils. (Mr. M. Sivatanu Pillai: *Hear, hear.*)

As the learned mover himself observed, many of the vakils at present practising in the District Courts are raw Law graduates without a knowledge of the laws and regulations in the country and they are allowed to practise in the High Court after five years. If that is so, I ask what is the reason for preventing the Second Grade Pleaders of five years' standing and more from practising in the District Courts? I submit that it is an anomaly that has to be removed at once. With these words, I support the motion.

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MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): I have very great pleasure in supporting the resolution. I may at the same time say that the Second Grade Pleaders are, as our Law member has admitted, a set of big men and if removed to the District Courts it would be a loss to the public. Sir, the mover of the resolution has convincingly stated that the Second Grade Pleaders who have gained experience in Munsiffs' Courts for a fixed number of years should be allowed to practise in the District Courts. One or two reasons he has stated which I am sorry to say have not been sufficiently explained by the Law Member. As has been rightly referred to by my new friend on my right, there is one class of vakils who are allowed to plead in the District Courts, I mean the raw Law graduates. I perfectly agree with the mover and my friend on my right that the Second Grade Pleaders are in a position to do better justice to their clients than the raw graduates-in-law in District Courts and the chief reason is this. These raw graduates-in-law have not had a course of study or any knowledge of subjects as our Civil Procedure Code, the Criminal Procedure Code, the Limitation Act, the Courts Fees Act, the Nayar and other allied Regulations. As has been rightly put, as soon as he passes out of the College, he is ready to come and accept cases in the District Courts. Then, another class of persons that are allowed to plead in the District Courts are what are called the Barristers-at-law But the Second Grade Pleaders who have had the chance of going to England and returning as a Bar-at-law is at once allowed to practice in the District as well as in the High Courts. The course of law studies which he underwent in England are quite foreign to our country and it will not be of any material use to him either in the District or in the High Court. From this, it is evident that persons having had no knowledge of our laws and regulations and procedure are allowed to plead in the District Courts as well as in the High Court whereas the Second Grade Pleaders who have passed a public examination in all these subjects are not allowed to go to the District Courts for practice. In other words, they are kept back from the higher courts. That, I believe, is the position which ought to have been explained by the Law Member satisfactorily.

Then, the pecuniary jurisdiction of the Munsiffs' courts at present has been extended to suits the value of which amounts to Rs. 1,000 and the nature of the cases conducted in the Munsiffs' Courts is the same as that of the cases conducted in the District Courts as well.

Appeals against decisions in cases the value of which amounts to Rs. 1,001 lie direct to the High Court. That will show that the conduct of cases in Munsiffs' Courts by the Second Grade Pleaders has already received recognition of the High Court in the same way as the conduct of cases by the District Court Vakils. Sir, after all, the teaching is the same for the candidates for the First and the Second Grade Pleaders. So, I am at a loss to understand why such an opposition to this resolution should come from the official side of this house. I therefore urge that the claim of the Second Grade Pleaders just now put forward in the House is only reasonable and should be accepted by the House.

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, having been pressed by some of my friends on this side of the House to express my view on the matter under consideration, I wish to speak a few words. It was conceded by the Law Member that there are some Munsiffs' Court Vakils who in point of culture as well as of character can be regarded as an exception and therefore have to be enrolled as District Court Vakils. We have heard that there is a very large number of vakils and the Bar has been considerably overcrowded and that therefore there has been keen competition. That may apply both to the Munsiffs' Court Vakils and the District Court Vakils who are graduates-in-law. From the figures given by the Law Member we understand that there are over 600 Law graduates practising in the District Courts and about 970 in all in the Munsiffs' Courts. That being the case, there is already very keen competition.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know from the Deputy President whether he would advocate the closing of the Law College?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I have not considered that question. Perhaps the closing of the College of Arts and of Law may afford a solution for unemployment. That is only by way of reply to Mr. Piraviperumal Pillai who is very anxious about the closing of colleges. But it may not be a question of practical politics.

That apart, so far as the competition among vakils is concerned, there may not be anything that we have to fear. But one prominent thing that we have to take note of is that we should, as far as possible, try to encourage the survival of the fittest. (*Hear, hear.*) If there are Munsiffs' Court Vakils who are exceptionally competent and who are in a position to handle any complicated case even those which come up to the High Court, I do not see why such of them should not be enrolled as District Court Vakils without any further examination. The main point remains whether five years' practice in the Munsiffs' courts will be enough. By practice, I take it practice in the courts and not mere enrolment without having filed any *vakkalath*. What I would advocate very strongly is that if there are exceptional cases, give a chance to such people so that they may be allowed to enrol themselves as District Court Vakils. I would therefore add a restriction saying "if certified to by the Munsiffs before whom they had practised or subject to any further restriction as the High Court may deem fit to enforce". That is to say, a Munsiffs' Court Vakil after having practised for a definite number of years and subject to the restriction as the High Court may impose may be enrolled as a District Court Vakil, because I consider a period of mere five years will not be enough as one may not have any practice at all during that period. So, if there are vakils who are competent, I do not see why they should not be allowed to practice in the District Courts. It will rather be a risking game for a Munsiffs' Court Vakil who has got very good practice at the Munsiffs' Court to forego them and go to the District Court in order that he may try his chance

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there. I do not think any Munsiffs' Court Vakil who has a large practice will ever do that. There are very many District Court Vakils, and many of them very capable, who do not go to practice before the High Court for the simple reason that they may not command so much influence and practice as they do in the District Courts. So also in the case of Munsiff Court Vakils if they conduct a case before a Munsiffs' Court, they may also argue it in a District Court and I do not see why a case conducted by a vakil in a Munsiff's Court should not be argued by him in a District Court also if the client so desires.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Is he speaking on behalf of those who haye not got much practice in the Munsiffs' Courts ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): What I say is that if a Munsiffs' Court Vakil is competent, by all means allow him to practice in a District Court. As for those who have not got any practice in the Munsiffs' Court, after having set up practice for five years in a Munsiffs' Court, they will not get any practice even if they are transferred to the District Courts and so they will have to wait for another twenty years to get practice. So, the real question in the case of those who are practising in the Munsiffs' Courts is the commanding of good practice and in such cases I do not see why an exception should not be made. I would therefore suggest that subject to such restrictions as the High Court may deem fit to impose, any Second Grade Vakil practising before the Munsiff's Court may enrol himself as a District Court Vakil.

MR. N. KUMARAN (*Nominated*) : How are those men to be selected ?

MR V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I believe it is very easy to do that, because the Inspection Judge can easily judge in the first place whether a vakil is having practice and secondly by reputation and observation.

MR. N. KUMARAN (*Nominated*) : By High Court Judges ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I believe it is over 20 years since I ever went to a Munsiff's Court, and I know which of the vakils command good practice in the various courts. I do not think that any Judge is necessary for that.

MR. N. KUMARAN (*Nominated*) : By following the reasoning, are they not entitled to become vakils of the High Court also ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : Not necessarily.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : If the leading Munsiffs' Courts Vakils are not likely to go and practice in the District Courts, what is the necessity for making this provision ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : In exceptional cases, they may go to the District Courts, just as graduates-in-law enrol themselves as High Court Vakils though they practice in the District Courts. If a client has got confidence in a particular Munsiff's Court Vakil, who has an extensive practice, I do not see why he should not be

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[Mr. V. Subba Aiyar.]

allowed the opportunity of engaging him to appear in the District Court. So, I would say that persons certified to by the presiding officers of the court and under the rules which the High Court may pass the Second Grade Vakils may be permitted to practice in the District Courts.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Does Mr. Subba Aiyar support the resolution as it stands?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): There are very many honourable members in this House who are Munsiffs' Court Vakils who are competent enough to become District Court Vakils. I therefore suggest that, with such restrictions as the High Court may deem fit to impose, they may be allowed to practice in the District Courts.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know what the restrictions the member wants to impose are?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): A person who has a large extent of practice.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What is the minimum number of cases that a vakil should have filed in order to entitle him to practice in the District Court?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That the High Court will judge.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Payment of income tax?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not think there is any slightest objection to that for the enrolment as a District Court Vakil.

MR. M. SIVATANU PILLAI (*Tovala*): Sir,—

PRESIDENT: We shall be closing at 4-55 today and we have got only 5 minutes more.

MR. A. K. PILLAI (*Karunagapalli*): Sir, I may claim that I am able to take a detached view of the whole question. I have not made up my mind either way as to the question now under discussion. But I think I would think aloud on the issues raised. If we are to follow the arguments raised by my friends Messrs. Kallur Narayana Pillai, Piraviperumal Pillai and even the Deputy President himself, we have to admit two conclusions that will inevitably follow. One is that, if there is sufficient experience and efficiency in understanding and conducting cases and in shaping them, if these would be sufficient, then we are prepared to allow such Munsiffs' Court Vakils to practise in the District Courts. It is urged that there need be no distinction between B. L's and Munsiffs' Court Vakils of proved efficiency and capacity. Pursuing this line of reasoning, Sir, I plead for the complete abolition of the distinction even between the clerks of the vakils and the vakils

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themselves. If we plead for the abolition of all distinctions based on qualification, why not abolish the distinction in favour of the clerks also?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Are there not vakils' clerks who are more capable than the vakils themselves?

MR. A. K. PILLAI (*Karunagapalli*): Yes, that is what I am saying. I will finish in a few minutes if I am not interrupted.

My friends were suggesting that Munsiffs' Court Vakils might be allowed to practise in District Courts because they have got greater experience in conducting cases than raw graduates-in-law who are allowed to practise in District Courts. It was also asked, are there not B. L's who undergo training under Munsiffs' Court Vakils? I beg to point out that there are vakils who learn the elements, the fundamentals of the practice and procedure in courts from experienced clerks, and in many cases it is the clerks who do all the work in shaping the case and in preparing it in a presentable form. So, if we are going to accept the line of reasoning adopted by my friends, we will have to accept two conclusions. One is, why not allow capable and experienced clerks also to practise in courts? And, then, extend the same argument 'why not allow experienced and capable Munsiffs' Court Vakils to practise in the High Court also'? If we are going to be logical, we have to allow capable clerks along with the vakils to practise in the courts, and after some years' standing, we will also have to allow Munsiffs' Court Vakils to practise in the High Court also.

If we are going to follow the argument advanced by our friends, namely, to go by experience and efficiency only, I say, there are certain clerks, exceptions though they may be, who deserve to be allowed to practise in courts. (*Hear, hear.*)

If we are prepared to concede the arguments advanced by the members who supported the resolution, then I must plead on behalf on some of the clerks too. There must be a method even in madness. If we are going to be logical, let us be logical right through.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Has the member had any occasion to get any of his cases shaped by a vakil's clerk and conducted by a vakil?

MR. A. K. PILLAI (*Karunagapalli*): No; but that does not affect my argument. I am sure even my friend Kochukunju Pillai would not deny before this House that there are certain clerks who are better able to shape cases and who are able to steer cases through all the intricacies than even some of the vakils. So, what I say is that if we are going to allow competent Munsiffs' Court Vakils to practise in District Courts, we must also allow competent clerks to practise in courts. There is also the practice obtaining in other countries in regard to this question. Is there any practical difference between a barrister and a solicitor? Practically none. Perhaps a solicitor will be able to conduct and shape cases much better than many of the barristers. He shapes the case. He prepares the evidence. In fact he does everything. But still it is only the barrister who is allowed to appear before the courts. Why is this distinction observed in other places?

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MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): These are not facts obtaining in Travancore.

MR. A. K. PILLAI (*Karunagapalli*): I say in other countries too this distinction is followed. We must see that some rationale is attached to the position that we take up. If we were going to ignore the practice in other countries, I have no objection whatever. But my only fear is that we are deliberately reducing the standard of culture and efficiency. If we are prepared to argue that graduates have no extra qualification or have had no extra facilities for gaining culture and knowledge, then I have no quarrel at all. But are you prepared to argue that boldly? For my own part, I doubt very much whether we would be bold enough to stick to that position. My point is, if we are going to be logical in regard to one set of persons, let us be logical thoroughly and to the very end. Let us not be logical in a piecemeal manner.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Sir, a layman like myself has got some diffidence to express an opinion on this subject. Yet, I shall say a word or two on the subject. The main contention of Mr. Kayalam Parameswarn Pillai was that the Second Grade Pleaders having had no University training, lack culture and also character. That University degrees help a man to gain some amount of culture and character cannot be denied. But, to say that he alone can sift the essential from the non-essential, the grain from the chaff, or that he alone has got the power of analysing facts, is a statement to which I cannot endorse. This is quite against the practice obtainig in courts. Our experience is that very difficult cases crop up in the Munsiffs' Courts and these cases are very effectively tackled by the Second Grade Pleaders. The cases that crop up in Munsiffs' Courts are not in any way less difficult than those cropping up in District Courts. In some instances, these are even more difficult than cases cropping up in District Courts. Therefore, it is experience that counts in this matter as in everything else. We know instances of Matriculates appointed as judges. It was not found that such judges were incapable or were not able to cope with their work. But one fact has to be considered in this connection. We have a much larger supply of B. L's at present than we used to have in olden days.

PRESIDENT: This session of the Council is now prorogued.

The Council was prorogued at 4-55 P. M.

N. NILAKANTA PILLAI,

Secretary to the Legislative Council.

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